

# HOUSE BILL No. 1096

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-18-6-2.

**Synopsis:** Patient compensation fund. Requires the commissioner of the department of insurance to retain independent legal counsel to defend the patient compensation fund.

**Effective:** July 1, 2005.

**Ripley**

January 6, 2005, read first time and referred to Committee on Insurance.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

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## HOUSE BILL No. 1096

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A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 34-18-6-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The  
3 commissioner, using money from the fund, as considered necessary,  
4 appropriate, or desirable, may purchase or retain the services of  
5 persons, firms, and corporations to aid in protecting the fund against  
6 claims. The commissioner shall retain the services of **independent**  
7 counsel described in subsection (b) to represent the department when  
8 a trial court determination will be necessary to resolve a claim against  
9 the patient's compensation fund.  
10 (b) When retaining legal services under subsection (a), the  
11 commissioner shall retain **a competent and experienced independent**  
12 **legal counsel who is:**  
13 **(1) licensed to practice law in Indiana; and**  
14 **(2) experienced in litigation of claims similar to the claim at**  
15 **issue;**  
16 to assist in litigation or other matters pertaining to the fund.  
17 (c) The commissioner has sole authority for the following:

2005

IN 1096—LS 6984/DI 97+



- 1 (1) Making a decision regarding the settlement of a claim against
- 2 the patient compensation fund.
- 3 (2) Determining the reasonableness of any fee submitted to the
- 4 department of insurance by an attorney who defends the patient
- 5 compensation fund under this section.
- 6 (d) All expenses of collecting, protecting, and administering the
- 7 fund shall be paid from the fund.

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